

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | <u>ORDER</u> |
| | : | |
| -v.- | : | 21 Cr. 602 (LAP) |
| | : | |
| VITALY FARGESEN, and | : | |
| IGOR PALATNIK, | : | |
| | : | |
| Defendants. | : | |
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| -----X | : | |

Upon the application of the United States, by the United States Attorney for the Southern District of New York, Damian Williams, by Assistant United States Attorney Margaret Graham, dated October 3, 2023;

WHEREAS on or about September 28, 2023, the Government sought and obtained from the Court an order authorizing the United States Department of the Treasury ("DOT") to disclose tax returns and return information purportedly associated with the scheme charged in Counts One through Four of the Indictment (the "Tax Order"). On October 2, 2023, the Government received a production of documents from DOT in response to the Tax Order (the "Tax Documents");

WHEREAS trial in the above-captioned matter is currently scheduled to begin on October 16, 2023;

IT IS HEREBY ORDERED that, giving due consideration to congressional policy favoring the confidentiality of returns and return information as set forth in Title 26, United States Code,

the Tax Documents are required to be produced pursuant to Rule 16 of the Federal Rules of Criminal Procedure; and

IT IS HEREBY FURTHER ORDERED that the Tax Documents are probative of a matter in issue relevant in establishing the guilt of the defendants, i.e., at the forthcoming trial in the above-captioned matter.

IT IS HEREBY FURTHER ORDERED that the Government shall obtain and produce the tax records of Frank Barone and Kirill Chumenko and the entities that they have admitted to controlling, including Intelanyze LLC and Labyrinthe Holdings Corp.

IT IS HEREBY FURTHER ORDERED that the Court's rulings herein are not rulings regarding the admissibility of the evidence and are without prejudice to the Government or the Defendants' raising objections to the admissibility of the relevant tax documents at trial.

SO ORDERED.

Dated: New York, New York
October 4, 2023


HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE